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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/108,357 07/01/98 SUGATA

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EXAMINER

WM02/0814

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK NY 10154

NGUYEN, T

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

08/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/108,357

Applicant(s)

Masao SUGATA et al

Examiner

Toan Nguyen

Art Unit

2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jul 1, 1998

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-48 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-48 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☒ All b) ☐ Some* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

Application/Control Number: 09/108,357

Art Unit: 2663

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the abstract should be a single

paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 7-8, 12, 18-20, 42, and 47-48 are rejected under U.S.C. 102(b) as being anticipated by Murakami et al (U.S. Patent Re. 35,104):

For claims 1, 7-8, 12, and 18-20, Murakami et al disclose subrate multi-media data transmission system, comprising:

a) encoding means for error detection or correction 102 encoding information to be distributed in a description format used in a multimedia network (see figure 1, col. 5 line 34),

said encoding means error detection or correction 102 encoding at least a portion in a header in the information to be distributed with higher redundancy than an entity in the information to be distributed (see figure 7, col. 9 lines 15-21); and

b) transmission means for multiplexing 111 the information to be distributed encoded by said encoding means in a broadcast signal, and transmitting the multiplexed signal (see figure 1, col. 5 lines 46-48).

For claims 42, and 47-48, Murakami et al disclose subrate multi-media data transmission system, comprising:

a) input means for inputting information data, and a check code for correcting an

error of the information data (see figure 1, col. 5 lines 32-44);

b) detection means for detecting an error state of the information data (col. 6 lines 52-55);

c) setting means for setting an allowable error state of the information data (col. 6 line 55 to col. 7 line 4); and

d) control means for controlling processing for the information data input by said input means in accordance with outputs from said setting means and said detection means (col. 7 lines 15-22).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-3, 5, 9, 11, 13, 15-16, 21-24, 27-28, 30, 35-39, 41, and 43-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al (U.S. Patent Re. 35,104) in view of Burton et al (U.S. Patent 5,189,673).

For claims 2-3, 5, 9, 11, 13, and 43-45, Murakami et al do not disclose the broadcast signal is an FM audio signal, and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal. Burton et al from the same or similar field of endeavor teach the broadcast signal is an FM audio signal, and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal (see figure 5, col. 3 lines 11-13, and col. 8 lines 56-62). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the combined method and apparatus for controlling switched video in an optical fiber telecommunications system as taught by Burton et al in subrate multi-media data transmission system of Murakami et al. The motivation for using the combined method and apparatus for controlling switched video in an optical fiber telecommunications system as taught by Burton et al in subrate multi-media data transmission system of Murakami et al being that the system is integrated in that it transmits video services on the same fiber as the narrowband services and uses common equipment to support both services (col. 3 lines 6-9).

For claims 15-16, and 21, Murakami et al disclose subrate multi-media data transmission system, comprising:

- a) input means for inputting information to be distributed in a description format used in a multimedia network (see figure 1, col. 5 line 34); and
- b) transmission means for multiplexing the information to be distributed in a

broadcast signal and transmitting the multiplexed signal (see figure 1, col. 5 lines 46-48),

Burton et al in view of Murakami et al disclose the information to be distributed being transmitted as an entity in a data format used for multiplexing another information in a description format, which is not used in the multimedia network, in an FM audio signal, the data format forming an error correction code, and a header of the information to be distributed forming an error correction code different from the error correction code (see figure 5, col. 3 lines 11-13, and col. 8 lines 56-62).

For claims 22-23, 30, 35-39, and 41, Murakami et al disclose substrate multi-media data transmission system, comprising:

a) reception means for receiving a broadcast signal obtained by multiplexing information to be distributed in a description format used in a multimedia network and an error correction or detection check code added for at least partial information of the information to be distributed (see figure 1, col. 5 line 34), as an entity of a data format which is used for multiplexing predetermined information in an FM audio signal and includes an error correction check code; and

b) processing means for performing error correction or detection processing of the information to be distributed using the error correction check code and the error correction or detection check code (see figure 1, col. 5 lines 51-55),

said processing means executing processing based on the error correction check code and processing based on the error correction or detection check code at different timings (col. 6 lines 64-66). In claims 30, 35, 39, and 41, Murakami et al disclose further storage means for storing the information to be distributed, and informing means for informing that the received information to

be distributed is stored in said storage means and has not been output to an external device (col. 6 lines 46-52). However, Murakami et al do not disclose an FM audio signal. Burton et al from the same or similar field of endeavor teach the broadcast signal is an FM audio signal, and said transmission means frequency-multiplexes the information to be distributed in a frequency band different from an FM-modulated audio signal (see figure 5, col. 3 lines 11-13, and col. 8 lines 56-62). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the combined method and apparatus for controlling switched video in an optical fiber telecommunications system as taught by Burton et al in subrate multi-media data transmission system of Murakami et al. The motivation for using the combined method and apparatus for controlling switched video in an optical fiber telecommunications system as taught by Burton et al in subrate multi-media data transmission system of Murakami et al being that the system is integrated in that it transmits video services on the same fiber as the narrowband services and uses common equipment to support both services (col. 3 lines 6-9).

For claim 24, Murakami et al disclose the information to be distributed includes header information, and the at least partial information of the information to be distributed is the header information (see figure 7, col. 9 lines 15-21).

For claim 27, Murakami et al disclose the information to be distributed includes image information, and the display means displays a message indicating reception of the image information when the image information is received (col. 9 line 29).

For claim 28, Murakami et al disclose further storage means for storing the information to be distributed; and informing means for informing that the received information to be distributed is stored in said storage means and has not been output to an external device (col. 6 lines 46-52).

8. Claims 4, 6, 10, 14, 17, 25-26, 29, 31-34, 40 and 46, are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al (U.S. Patent Re. 35,104) in view of Burton et al (U.S. Patent 5,189,673) further in view of DeMont (U.S. Patent 5,920,878).

For claims 4, 10, 14, 17, 25-26, 29, 31, and 46, Murakami et al in view of Burton et al do not disclose the other information includes character information, and the information to be distributed is information in an HTML format. DeMont from the same or similar field of endeavor teach the other information includes character information, and the information to be distributed is information in an HTML format (col. 2 lines 61-63). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the combined method for hiding a binary encoded message in an electronic document by modulating the case of the characters in a case insensitive markup language as taught by DeMont in subrate multi-media data transmission system of Murakami et al. The motivation for using the combined method for hiding a binary encoded message in an electronic document by modulating the case of the characters in a case insensitive markup language as taught by DeMont in subrate multi-media data transmission system of Murakami et al being that the electronic document can comprise text, graphics, photographs or other multimedia elements, and it will be clear to those skilled in the art how to make and use such an electronic document (col. 2 lines 54-57).

For claim 6, Murakami et al disclose the information to be distributed can contain image information as an entity (col. 9 line 29). DeMont in view of Murakami et al discloses character information and the information to be distributed has higher redundancy than when the entity is the image information (col. 2 lines 64-67, and col. 4 lines 18-22).

For claims 32 and 40, Murakami in view of Burton et al disclose information processing,

comprising:

a) reception means for receiving a broadcast signal obtained by multiplexing information to be distributed in a description format, used in a multimedia network, as an entity of a data format used for multiplexing first character information in an FM audio signal (see figure 1, col. 5 line 34). Murakami in view of Burton et al do not disclose display means for displaying the first character information, said display means displaying second character information when the information to be distributed has the second character information. DeMont from the same or similar field of endeavor teach display means for displaying the first character information, said display means displaying second character information when the information to be distributed has the second character information (see figure 5, col. 4 lines 27-39). Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the combined method for hiding a binary encoded message in an electronic document by modulating the case of the characters in a case insensitive markup language as taught by DeMont in subrate multi-media data transmission system of Murakami et al. The motivation for using the combined method for hiding a binary encoded message in an electronic document by modulating the case of the characters in a case insensitive markup language as taught by DeMont in subrate multi-media data transmission system of Murakami et al being that the electronic document can comprise text, graphics, photographs or other multimedia elements, and it will be clear to those skilled in the art how to make and use such an electronic document (col. 2 lines 54-57).

For claim 33, Murakami et al disclose the information to be distributed has image information, said display means displays a message indicating reception of the image information (col. 9 line 29).

For claim 34, DeMont discloses the information to be distributed is information in an HTML format (col. 2 lines 61-63).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Re. 35,104 to Murakami et al, discloses Subrate Multi-Media Data Transmission System.

U.S. Patent 5,920,878 to DeMont, discloses Method For Hiding A Binary Encoded Message In An Electronic Document By Modulating The Case Of The Characters In A Case-Insensitive Markup Language.

U.S. Patent 5,189,673 to Burton et al, discloses Method And Apparatus For Controlling Switched Video In An Optical Fiber Telecommunications System.

U.S. Patent 5,835,498 to Kim et al, discloses System And Method For Sending Multiple Data Signals Over A serial Link.

U.S. Patent 6,246,490 B1 to Sebestyen, discloses Method And Arrangement For The Transmission Of Facsimile-Encoded Information Between Multimedia-Capable Communication Terminal Equipment.

U.S. Patent 5,524,194 to Chida et al, discloses Data Communication Apparatus.

Contact Information

10. Any response to this action should be mailed to:
Assistant Commissioner for Patents
Washington, D.C. 20231
11. Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
12. Any inquiry concerning this communication or early communications should be directed to
Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through
Friday from 7:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

TN

T.N.



DANG TON
PRIMARY EXAMINER